

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Plaintiff, a prisoner of the State of California, has filed this civil rights action under 42 U.S.C. § 1983 complaining about circumstances surrounding his prosecution in Sacramento County.

In the complaint, Plaintiff complains about Defendants located within the venue of the United States District Court for the Eastern District of California. Plaintiff alleges no basis for jurisdiction within the venue of the United States District Court for the Northern District of California.

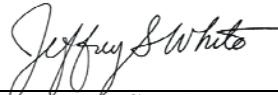
When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1331(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. §

1           1406(a). Venue may be raised by the court sua sponte where the defendant has not yet  
2           filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790  
3           F.2d 1486, 1488 (9th Cir. 1986).

4           Plaintiff brings his claims involving Defendants who reside within the venue of  
5           the Eastern District of California, in a case where a substantial part of the events or  
6           omissions giving rise to the claim also occurred. *See* 28 U.S.C. §1391(b)(2).  
7           Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. §  
8           1406(a), that this action be TRANSFERRED to the United States District Court for the  
9           Eastern District of California. The Clerk of the Court shall transfer this matter forthwith.

10           IT IS SO ORDERED.

11           DATED: October 5, 2010

  
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JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RON UKLREY,

Case Number: CV10-02592 JSW

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

## THE STATE OF CALIFORNIA et al.

**Defendant.**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 5, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ron Ulrey V-48416  
P. O. Box 686  
Soledad, CA 93960

Dated: October 5, 2010

*Jennifer Ottolini*  
Richard W. Wiekling, Clerk  
By: Jennifer Ottolini, Deputy Clerk